

**Memorandum of Understanding
Between
Idaho State Department of Education
And The
Idaho Department of Health and Welfare
Relating to IDEA and School-Based Medicaid**

PURPOSE FOR THE Memorandum of Understanding:

The purpose of this Memorandum of Understanding (MOU) is to define and clarify responsibilities of each agency to ensure a coordinated, comprehensive service delivery system focusing on students, age 3-21, who meet qualifications for IDEA and School-Based Medicaid services. Students, families, and communities are best served when agencies communicate to facilitate relationships and interagency collaboration.

The State Department of Education serves as the lead agency at the state level for the provision of a free and appropriate public education for students ages 3-21 who are eligible for special education services in Idaho. The State Department of Education also provides oversight to the agencies and programs that provide special education and related services to students ages 3-21 under Part C of the Individuals with Disabilities Education Act (IDEA).

The Idaho Department of Health and Welfare serves as the single state agency designated to administer the Idaho Medicaid program including the provision of School-Based Medicaid policy development, administration and enforcement of IDAPA rule regarding School-Based Medicaid and related services, and the fiscal reimbursement of eligible School-Based Medicaid services.

The State Department of Education and the Department of Health and Welfare are committed to jointly addressing district implementation of School-Based Medicaid services by communication between the two agencies. The two agencies will collaboratively address district implementation concerns to provide cohesive guidance. With respect to both parties and their obligations regarding the provision of quality special education and medically necessary services to students and families, the State Department of Education and the Department of Health and Welfare commit to the following:

PROVISION A: MEDICAID ADVISORY COMMITTEE

The State Department of Education (SDE) and the Department of Health and Welfare (DHW) commit to an ongoing Medicaid Advisory Committee that meets at least quarterly to collaborate among the Local Educational Agency (LEA), SDE, and DHW regarding Medicaid School-Based services and recommend changes within the scope of applicable state and federal rules.

Medicaid Advisory Members represented by an LEA will serve a three year term. Regional directors can submit recommendations with SDE and DHW making the final decision. These will be staggered appointments. Committee Members will include:

- Department of Health and Welfare, Division of Medicaid, Bureau of Developmental Disabilities Services; Bureau Chief and Alternative Care Coordinator for School-Based Services;
- Department of Health and Welfare, Medicaid Program Integrity Unit;

- State Department of Education;
- School District Special Education Directors or Designee (representation to reflect small, large, rural and urban districts);
 - 1 Representative from each of the six regions,
 - 2 Representatives from Charter Schools (1 virtual and one brick and mortar charter); and
- Parent Representation from Idaho Parents Unlimited.

PROVISION B: QUALITY ASSURANCE AND DESK REVIEW

The State Department of Education and the Department of Health and Welfare commit to collaboratively develop a quality assurance and desk review process that will be conducted through a random sampling.

The desk review conducted by the State Department of Education and the Department of Health and Welfare is for Quality Monitoring purposes. The findings of the desk review will drive the quality improvement strategies to improve School-Based Medicaid services and processes. This review does not prohibit or replace other surveys or audits as identified in IDAPA 16.03.09.857 and IDAPA 16.05.07. The Department of Health and Welfare will continue to follow all rules and regulations that are identified in Idaho Code and statutes as well as applicable federal law.

PROVISION C: PROFESSIONAL DEVELOPMENT

The State Department of Education and the Department of Health and Welfare will collaborate to determine training and technical assistance needs, and coordinate and share training and technical assistance opportunities for Local Educational Agencies (LEA's) personnel regarding School-Based Medicaid rules, policies, and implementation practices. The Department of Health and Welfare is not responsible for providing professional development to the State Department of Education or the LEA's. The Department of Health and Welfare commits to jointly assisting the State Department of Education in identifying training opportunities.

Professional development will include but not be limited to:

- Face to face training at least every other year in seven(7) locations statewide conducted jointly by the State Department of Education and the Department of Health and Welfare: Coeur d'Alene, Moscow, Nampa, Boise, Twin Falls, Pocatello, Idaho Falls.
- The Department of Health and Welfare will have the responsibility of maintaining the Department of Health and Welfare School-Based Medicaid Website.
- The State Department of Education and the Department of Health Welfare will create collaborative webinar when regulatory or legislative changes occur relating to School-Based Medicaid services.
- The State Department of Education and the Department of Health and Welfare will conduct collaborative training utilizing quality improvement strategies.

PROVISION D: PROCEDURAL PROTOCOL

The Advisory Committee serves to guide and advise LEA's regarding matters of School-Based Medicaid policy and practice. A LEA may submit a written recommendation, question, or concern to the Advisory Committee for clarification of a given rule or policy governing School-Based health related and/or Medicaid services. The Advisory Committee will follow this mechanism to provide written feedback to any submitted recommendation, question, or concern:

1. A written recommendation, question, or concern may be submitted to the DHW School-Based Medicaid Policy staff or the SDE assigned staff.
 - a. In collaboration, the SDE and DHW will assign the appropriate staff to provide a written response to the originating entity.

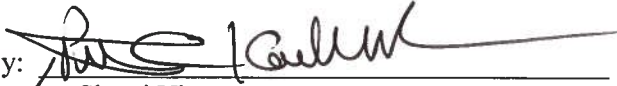
- b. An accumulation of submitted recommendations, questions, or concerns for the quarter will be a standing agenda item for all Advisory Committee meetings.
 - c. A copy of the recommendation, question, or concern will be sent out as part of the quarterly agenda to each Advisory Committee member for review.
2. During the quarterly meeting, if appropriate and necessary, recommendations, questions, or concerns received during that quarter may be discussed and if additional action is needed appropriate staff or a subcommittee will be formed.
3. All written responses for that quarter will be posted to the Idaho Training Clearinghouse and DHW web page, as well as included in the meeting notes sent to all Special Education Directors with the meeting minutes.
4. If there is any dispute within the Advisory Committee between representatives of DHW and the other committee members regarding a submitted recommendation, question, or concern, and the dispute cannot be resolved, then the Advisory Committee shall defer to the DHW's interpretation of its applicable federal and state laws, rules, regulations, and written policies.

Schools are responsible for complying with the rules that pertain to each service that they are providing, including, but not limited to Sections 000 – 008, 010 – 012, 730 – 745, 751 – 756, and 850 – 857 in IDAPA 16.03.09. Developmental disability eligibility standards are located in IDAPA 16.03.10.501. Also, schools and school-based providers are subject to IDAPA 16.05.07-The Investigation and Enforcement of Fraud, Waste, and Misconduct as well as any applicable federal law and regulations.

GENERAL PROVISIONS:

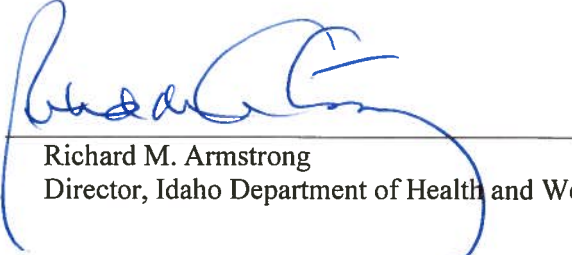
The provisions of this MOU may be extended, modified, or changed by a written amendment signed by both parties, and such amendment when so signed, will become a part of this agreement. This MOU becomes effective on the date signed by all parties. The MOU is automatically renewed on July 1 of each year unless either party requests a review of the MOU before June 1. Either party may terminate this agreement with a 30-day written notice to the other party.

Signatures:

By: 

Sherri Ybarra
State Superintendent of Public Instruction

Date: 9/29/2016

By: 

Richard M. Armstrong
Director, Idaho Department of Health and Welfare

Date: 9/29/2016